

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

OSCAR VERGARA,

Case No. 25-CV-1328 (NEB/DJF)

Petitioner,

v.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

B. EISCHEN; FPC DULUTH; and  
FEDERAL BOP,

Defendants.

---

The Court has received the May 13, 2025 Report and Recommendation of United States Magistrate Judge Dulce J. Foster. (ECF No. 6 (“R&R”).) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam).

Judge Foster did not clearly err when she recommended (1) denying Vergara’s petition, (2) dismissing the matter, and (3) denying Vergara’s IFP application. The Court agrees that Vergara’s lack of participation in a residential drug abuse program does not violate federal law. (R&R at 2.)

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 6) is ADOPTED;
2. The petition (ECF No. 1) is DENIED;

3. The matter is DISMISSED; and

4. Petitioner's application to proceed *in forma pauperis* (ECF No. 5) is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 22, 2025

BY THE COURT:

s/Nancy E. Brasel  
Nancy E. Brasel  
United States District Judge